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United States Attorney

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	Case 3:05-CR-00108-1-JWS
Plaintiff,)	
)	
v.)	
)	<u>UNITED STATES SENTENCING</u>
CARLOS LIKEE RAINEY,)	<u>MEMORANDUM</u>
)	
Defendant.)	
_____)	

SUMMARY OF SENTENCING RECOMMENDATIONS

TERM OF IMPRISONMENT 360 MONTHS

TERM OF SUPERVISED RELEASE 5 YEARS

FINE \$0.00

SPECIAL ASSESSMENT \$500.00

The United States Probation Office [USPO] has prepared the presentence report [PSR] in this case and the United States does not dispute the factual findings the USPO has made. The United States will rely upon the factual statements in the PSR in making its sentencing recommendations.

Following his pleas of guilty, the defendant stands convicted of one count of conspiracy, in violation of 21 U.S.C. § 846 and four counts of money laundering, in violation of 18 U.S.C. § 1956. The USPO has recommended the Court find the defendant's total adjusted base offense level for the counts of conviction to be 39 and that, with the defendant's criminal history category classification of IV, the defendant's sentence range to be between 360 months of imprisonment to Life imprisonment on the conspiracy charge, and 240 months on the money laundering charges.

The USPO has accurately assessed the information the United States developed as part of its investigation in this matter and has accurately set forth in the PSR the background information of the defendant's criminal activities. The United States is prepared to present evidence to support the information contained in the pre-sentence report, if necessary. The only disputes that would affect the

guideline calculation the defendant has raised pertain to his role in the offenses and the correct characterization of his criminal history under the guidelines. As to the defendant's role in the offense, the United States concurs with the USPO's assessment of the defendant's role. Irrespective of how the defendant became involved in the drug trafficking conspiracy, he most surely became an organizer and leader of the conspiracy in 2005 and there were more than five participants in the conspiracy at that time. Thus, the four level upward adjustment in U.S.S.G. § 3B1.1(a) does apply. As for placing the defendant in criminal history category IV, the USPO has correctly assessed not only the defendant's criminal history points, but his placement in category IV. Category IV at a minimum correctly distinguishes the defendant's criminal past, but also his criminal propensity. This is the correct category for the defendant.

In accordance with the U.S.S.G. and the sentencing factors set forth in 18 U.S.C. § 3553, the United States recommends a sentence 360 months of imprisonment for the conspiracy charge, and sentences of 240 months of imprisonment for the money laundering counts, all of which should run concurrent to one another, a special assessment of \$500.00, and a term of five years supervised release for the conspiracy charge and a term of three years for the money laundering charges. The United States does not recommend the imposition

of a fine, based on the defendant's apparent current or foreseeable ability to pay a substantial fine. This sentence will adequately address not only the United States Sentencing Commission Guideline concerns but also those contained in 18 U.S.C. § 3553. The United States recommends this term of imprisonment for this defendant because of his substantial involvement in a fairly successful cocaine distribution organization.

After the Court imposes sentence, the United States would move to dismiss the remaining charges in the Indictment as they relate to this defendant.

RESPECTFULLY SUBMITTED this day, November 2, 2006, in
Anchorage, Alaska.

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s/Stephan A. Collins
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